U.S. Department of Homeland Security

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Entry-Exit System

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Introduction

Chairman Goodlatte, Ranking Member Conyers, and other distinguished Members, thank you for the opportunity to appear before the Committee to highlight the Department of Homeland Security's (DHS) critical work on implementing a biometric entry/exit system. Today, DHS manages a fully-functioning entry/exit system in the air and sea environments using biometric and biographic components. To illustrate the progress the Department has made, ten years ago, screening of passengers coming to the United States was limited to the Department of State's (DOS) visa process, if applicable, for those individuals requiring a visa; passenger information provided voluntarily by air carriers; and the inspection of a person by an immigration officer upon their arrival at a United States port of entry. There was no biometric collection for visa applicants beyond photographs, nor for individuals seeking admission to the United States. There was very limited pre-departure screening of passengers seeking to fly to the United States and there was virtually no screening of any kind for domestic flights beyond passing through metal detectors at airport checkpoints. There was no advance screening of passengers seeking admission under the Visa Waiver Program (VWP), and interagency sharing of information on terrorist threats was minimal.

In the last decade, with the support of Congress, and by working with our international partners, DHS has significantly adapted and enhanced its ability to detect and interdict threats at the earliest opportunity. Individuals intending to travel to the United States under the VWP must now obtain authorization through the Electronic System for Travel Authorization (ESTA) program before boarding an air or sea carrier for travel to the United States. ESTA screens passengers against various government databases and has virtually digitized the Form I-94W (Arrival/Departure Record) for authorized travelers from participating VWP countries. Additionally, all passengers seeking to fly to, from, or within the United States are similarly screened prior to boarding an aircraft under the Secure Flight program. For non-citizens, passengers' biometrics are collected and checked against terrorist watch lists prior to being issued a visa or being permitted to enter the United States, and agencies share information on known or suspected terrorists with each other. Further, we have developed new capabilities and systems (such as our Advanced Targeting System and Behavioral Detection program) to help identify possible terrorists and others who seek to travel to or within the United States to do harm.

It has long been a goal of the federal government to obtain accurate and timely data on those who overstay[1] their period of admission to the United States. Congress enacted legislation on implementing an entry/exit system to help achieve that goal. As part of a 2004 section of the legislation, such a system would require some form of biometric (i.e., fingerprints) to be collected when a foreign national enters and leaves the United States. The purpose would be to match entry and exit records and determine who is complying with their period of admission to the United States and sanction those who have not.

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[1] An individual is deemed an overstay if he or she fails to leave the country within the authorized period of admission.

As you know, many countries use biographic data, which is essentially text data that is commonly included on a data page of a traveler's passport, such as name, date of birth, document information, and country of citizenship. A biographic system is an entry/exit system that matches the information on an individual's passport or other travel document when he or she arrives to and departs the country. By contrast, a biometric system matches data of a biometric or physical component from a person that is unique to an individual (i.e., fingerprints, a facial image, or iris scan) collected when a foreign national enters and leaves the United States.

While the United States did not build its border, aviation, or immigration infrastructure with exit processing in mind, the Department of Homeland Security piloted various biometric exit programs in 15 ports of entry to try to find a way to achieve such a system.[2] Through these pilots, we found that the limitations of existing technology plus the lack of infrastructure for departing passengers would require more than $3 billion in investments as well as significant disruptions to passengers and airlines for a biometric exit program in the air environment alone[3]. The Department has since worked to bring the existing biographic system to a level of fidelity equal to, or nearly equal to, a biometric system while continuing to pursue a more cost-effective biometric solution[4].

Today, the Department manages a fully-functioning entry/exit system that tracks and identifies overstays. Specifically, the Department is now able, on a daily basis, to identify and target for enforcement action those who have overstayed their period of admission and who represent a public safety and/or national security threat. Moreover, we continue to move forward in building a biometric air exit system that can be integrated in the current architecture once it is cost-effective and feasible to do so.

A Comprehensive Entry/Exit System

Collecting entry and exit data is one part of a comprehensive entry/exit system. If we look at the totality of an entry/exit system, it extends beyond our physical borders to include a number of steps that may occur well before a visitor enters the United States and up to the point at which that same visitor departs the United States through a land, air or sea port of entry/ port of departure.

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[2] There are emerging biometric technologies now available in the market that were unavailable at the time of the pilots. Accordingly, there will be additional opportunities to pursue research and development into a future biometric air exit system, on which Customs and Border Protection (CBP) and the DHS Science and Technology (S&T) Directorate are currently working together.

[3] U.S. airports do not have designated and assured exit areas for outgoing passengers to wait prior to departure, nor do they have specific checkpoints through which an outgoing passenger's departure is recorded by an immigration officer. Air carriers also have raised objections to this requirement, and in 2008, Congress directed DHS to conduct biometric pilots prior to establishing any new system. In the land environment, there are often geographical features that prevent expansion of exit lanes to accommodate additional lanes or the addition of CBP-manned booths.

[4] Typically, most countries use biographic information, which is essentially text data that is commonly included on a data page of a traveler's passport, such as name, date of birth, and country of citizenship. Text data can be electronically read through passport features based on international standards, such as a machine readable zone or an e-Passport chip. A biographic system is an entry/exit system based on matching the information on an individual's travel document when he or she arrives to and departs the United States.

How DHS Collects Arrival Information

In instances where the individual needs a visa to enter the United States, information is captured at the time his or her visa application is filed with DOS along with additional information developed upon an interview with a consular officer. It is important to note that if the individual is from a Visa Waiver Program country and does not require a visa, he or she may be required to apply through ESTA. Information is then collected through the ESTA application.

For travelers in the air and sea environment, DHS also receives passenger manifests submitted by air and sea carriers, which indicates every individual who actually boarded the plane or ship. This information is collected in DHS's Advance Passenger Information System (APIS) and then sent to the Arrival and Departure Information System (ADIS), where it will be held for matching against departure records.

When a nonimmigrant arrives at a U.S. port of entry and applies for admission to the United States by air or sea, the traveler is interviewed by a CBP officer regarding the purpose and intent of travel. His or her document is reviewed, law enforcement checks are run, and biometrics (fingerprints and photo) are screened against and stored in the DHS systems. If admission is granted, the CBP officer will stamp the traveler's passport with a date indicating his or her authorized period of admission. Based on electronic information already in DHS's systems, a Form I-94, Arrival/Departure Record, is electronically generated for that person and can be printed remotely by the individual if the individual needs it to provide evidence of legal entry or status in the United States. The form also indicates how long the person is authorized to stay in the United States.

When an individual bearing a nonimmigrant visa arrives at a land port of entry, the individual is sent to secondary inspection where biometrics are collected (if appropriate) and CBP may issue that person a Form I-94A, Departure Record, which records their authorized period of admission.

How DHS Collects Departure Information

Similar to the way DHS gathers passenger manifests prior to entry through the air and sea environments, DHS also collects through APIS passenger manifests submitted by commercial air and sea carriers departing the United States. Since 2008, collection of this information has been mandatory and compliance is near 100 percent resulting in a fully functioning exit system in the air and sea environments using biographic data. Carriers are required to report biographic and travel document information to DHS for those individuals who are physically on the airplane or sea vessel at the time of departure from the United States and not simply on those who have made a reservation or scheduled to be on board. DHS monitors APIS transmissions to ensure compliance and issues fines for noncompliance on a monthly basis. CBP transfers this data (excluding data for U.S. Citizens) to ADIS, which matches arrivals and departures to and from the United States[5].

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[5] DHS uses this information for a variety of immigration and law enforcement reasons, including to determine which travelers have potentially stayed past their authorized period of admission (i.e., overstayed) in the United States.

How DHS Addresses Overstays of Authorized Period of Admission

When information reveals that an individual is a confirmed overstay, the Department takes action, including working with DOS to revoke visas and apprehending individuals. Since FY 2011, DHS has made substantial improvements to maximize our ability to identify, prioritize, and sanction confirmed overstays.

As of April 9, 2013, DHS has implemented the following system updates:

- Automation of the flow of information between ADIS and the Automated Targeting System for Passengers ATS-P: CBP has updated the flow of information between ADIS and ATS-P to reduce manual processes for moving data between the two systems. This update saves time, improves processing quality, increases efficiency, and better protects privacy, as the transfer of information occurs through secure electronic means instead of manually saving information on portable devices.

- Use of ATS-P to enhance name matching for overstay vetting: CBP has leveraged existing ATS-P matching algorithms, previously not available to ADIS, for the purposes of better matching names in entry and exit records, thereby improving the accuracy of the overstay list. Additional matching algorithms have helped identify matches that the original ADIS system may have missed.

- Development of Basic Immigration and Customs Enforcement (ICE) Overstay "Hot List": CBP created an operational dashboard for ICE agents that automatically lists and prioritizes validated records of individuals who may have overstayed and who are likely still in the United States, pursuant to national security and public safety criteria. This reduces the previous manual process in the exchange of data between NPPD/OBIM and ICE and allows ICE to allocate resources to those cases of highest priority, on a near real-time basis.

- Implementation of an ADIS to IDENT interface: This effort created an interface between IDENT (the biometric database for DHS) and ADIS, the two systems currently housed at the Office of Biometric Identity Management (OBIM)[6]. This helps reduce the number of records on the overstay list by providing additional and better quality data to ADIS, closing information gaps between the two systems.

- Improved ability of ADIS to match United States Citizenship and Immigration Services' (USCIS) Computer Linked Adjudication Information Management System (CLAIMS 3) data: The Department has worked to improve the quality, timeliness, and relevance of data sent from CLAIMS 3 to ADIS, improving the ability of ADIS to match the data accurately with other records. Many aliens enter the United States and then extend or change their status lawfully, and therefore have not overstayed even though their initial period of authorized admission has expired.

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[6] OBIM supports DHS components by providing matching services against its databases (IDENT and ADIS collectively) and returning any linked information when a match is made as they vet individuals already encountered by DHS to identify known or suspected terrorists, national security threats, criminals, and those who have previously violated U.S. immigration laws.

By mid-FY 2014, DHS plans to develop and deploy:

- Unified Overstay Case Management process: Through a data exchange interface between ADIS and ICE's LeadTrac system[7], overstay case management work is being migrated to one analyst platform, LeadTrac, for DHS. Additionally, ADIS will receive enhanced overstay case management updates from ICE.

- Enhanced ADIS and Transportation Security Administration (TSA) Alien Flight Student Program (AFSP) data exchange: TSA relies on ADIS to identify overstays who are enrolled in the AFSP and provide them to ICE for action. ADIS will utilize existing overstay vetting operations to increase efficiency and prioritization of TSA AFSP overstays within the ADIS overstay population.

- Enhanced Overstay Hot List: The Enhanced Overstay Hot List will consolidate immigration data from multiple systems to enable ICE employees to more quickly and easily identify current and relevant information related to the overstay subject. DHS will expand capability, including the use of additional law enforcement and counterterrorism data in the Hot List for ICE, which will return the results from multiple database queries in a consolidated dossier, from which analysts can more easily retrieve the relevant information.

- User Defined Rules: DHS will develop a capability for ICE agents to create new or update existing rule sets within ATS-P as threats evolve, so that overstays are prioritized for review and action based on the most up-to-date threat criteria.

The measures already in place have proven to be valuable in identifying, removing, and sanctioning overstays. The above DHS implementations have strengthened data requirements through computer enhancements, identified national security overstays through increased collaboration with the intelligence community, and automated manual efforts through additional data exchange interfaces. DHS looks forward to continuing this progress in FY 2014.

The ICE Overstay Analysis Unit (OAU)

To support DHS's commitment to enhance its vetting initiatives across the full mission space of homeland security. The OAU vets the system identified overstay records to confirm status and prepare the records to be sent to the ICE Counterterrorism and Criminal Exploitation Unit (CTCEU) for possible law enforcement action. Specifically, the OAU analyzes biographical entry and exit records stored in OBIM's ADIS to further support DHS's ability to identify international travelers who have remained in the United States beyond their authorized periods of admission.

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[7] LeadTrac is an ICE system designed to receive overstay leads to compare against other DHS systems and classified datasets to uncover potential national security or public safety concerns for referral to ICE field offices for investigation. The system employs a case management tracking mechanism to assist with analysis, quality control reviews, lead status and field tracking.

The OAU analyzes and validates two types of nonimmigrant overstay records: out-of-country overstays (OCO) and in-country overstays (ICO). OCO records pertain to visitors who stayed beyond their authorized admission period and subsequently departed the country. The OAU validates these violations based on their reported departure dates and creates biometric and biographic lookouts for these subjects, in case the subjects attempt to enter the United States in the future. The out-of-country overstay violator lookouts are posted in two separate databases: the IDENT Secondary Inspection Tool and CBP's TECS[8] to alert and notify Department of State consular officers and CBP officers of a subject's violation before he or she is granted a visa or re-entry to the United States. In-country- overstay records pertain to visitors who remain in the United States with no evidence of departure or adjustment of status upon expiration of the terms of their admission. The OAU reviews and validates these ADIS system identified violations based upon ICE identified categories of interest.

Typical overstay violators are addressed by nonimmigrant overstay leads, which are used to generate field investigations by identifying foreign visitors who violate the terms of their admission by remaining in the United States past the date of their required departure and who meet the Department's enforcement priorities.

VWP violators are addressed by CTCEU's Visa Waiver Enforcement Program (VWEP). Visa-free travel to the United States builds upon our close bilateral relationships and fosters commercial and personal ties among tourist and business travelers in the United States and abroad. Today, ICE regularly scrutinizes a refined list of individuals who have been identified as potential overstays who entered the United States under the VWP. One of the primary goals of this program is to identify those subjects who attempt to circumvent the U.S. immigration system by obtaining travel documents from VWP countries.

The ICE CTCEU

In 2003, DHS created CTCEU, which is the first national program dedicated to the enforcement of nonimmigrant visa violations. Each year, the CTCEU analyzes records of hundreds of thousands of potential status violators after preliminary analysis of data from the Student and Exchange Visitor Information System (SEVIS)[9] and the OAU[10] along with other information. After this analysis, CTCEU determines potential violations that warrant field investigations, (based on national security or public safety concerns) and/or establishes compliance or departure dates from the United States. Between 15,000 and 20,000 of these records are analyzed each month and over two million such records have been analyzed using automated and manual review techniques.

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[8] TECS (not an acronym) is the updated and modified version of the former Treasury Enforcement Communications System. It is owned and operated by CBP.

[9] SEVIS is the database used for monitoring certified schools, F, M, and J non-immigrant students, and their dependents.

[10] OAU is in ICE's National Security Division and is a "sister" unit to the CTCEU. The CTCEU and OAU work collaboratively to identify and enforce overstays.

Today, through the CTCEU, ICE proactively develops cases for investigation in cooperation with the Student and Exchange Visitor Program (SEVP)[11] and the OAU. These programs enable ICE agents to access information about the millions of students, tourists, and temporary workers present in the United States at any given time, and to identify those who have overstayed or otherwise violated the terms and conditions of their admission and identified as national security or public safety concerns. To ensure that the potential violators who pose the greatest threats to national security are given priority, ICE uses intelligence-based criteria, developed in close consultation with the intelligence and law enforcement communities.

ICE special agents and analysts monitor the latest threat reports and proactively address emergent issues. This practice, which is designed to detect and identify individuals exhibiting specific risk factors based on intelligence reporting, including travel patterns, and in-depth criminal research and analysis, has supported high-priority national security initiatives based on specific intelligence.

Enhancing the Department's Exit System

In 2003, DHS began development of a biometric entry/exit system and, in 2004, fully implemented a biometric air *entry* solution into existing inspection booths that is currently in operation. Biometric land entry was deployed between 2004-2005. By contrast, implementing a biometric exit capability has been a significant challenge. The air environment afforded a single point where travelers were processed for admission to the United States and biometrics could be incorporated, whereas our airports were never architected for an exit control. DHS remains committed to maximizing the efficiency and effectiveness of the current entry/exit system, and has made progress in the last few years.

In May 2012, DHS provided a report[12] to the House and Senate Appropriations Committees that described the Department's plan for enhancing its existing biographic exit program. As part of this plan, various DHS Components have been and are currently strengthening systems and processes in order to improve the accuracy of data provided to ADIS. This will enable ADIS to more accurately match entry and exit records and determine who may constitute an overstay, and whether that person presents a national security or public safety concern. Data that is entered into ADIS comes from a variety of sources in the Department including USCIS, CBP, and ICE. In addition, DHS has also identified mechanisms to improve the "output" of ADIS, to ensure ICE investigators receive priority high-risk overstay cases for resolution in a timely fashion, and to ensure other ADIS stakeholders (such as CBP, USCIS, and DOS) receive the best possible information with which to make immigration decisions.

To continue to explore the feasibility of a cost-effective and efficient biometric exit solution, in March 2013, CBP and S&T initiated a joint Air Entry/Exit Re-Engineering (AEER) Apex project[13] to determine how and when a biometric air exit concept would be feasible. The purpose of the AEER Project is to analyze, develop, test, pilot, and evaluate integrated

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[11] SEVP is the program that facilitates and manages SEVIS.
[12] *Comprehensive Exit Plan, Fiscal Year 2012 Report to Congress*.
[13] Apex Programs are S&T initiatives that focus on cross-cutting or multi-disciplinary efforts, which are initially requested by DHS components and are of a high priority, high value, and urgent nature.

approaches to biometrically confirm the departure of non-U.S. citizens at U.S. airports, as well as to introduce more efficient traveler facilitation processes and effective biometric technologies to screen travelers entering the United States.

Land Entry/Exit Program

Today, as part of the Beyond the Border Action Plan[14], the United States has a fully functioning land border exit system on its Northern border for non-U.S. and non-Canadian citizens in addition to the existing air and sea entry/exit system. In FY 2012, approximately 72 million travelers entered the United States through the border with Canada. Canada and the United States agreed to exchange land entry records at ports of entry along the US-Canadian border in such a manner that land entries into one country will serve as exit records from the other. Canada and the United States began with a pilot program that exchanged data on third-country nationals at several land ports during a four-month period that ended in January 2013.[15] During the pilot, the United States was able to match 97.4 percent of records received from Canada to existing entry records.

The second phase of the project was deployed on time on June 30, 2013.[16] During this phase, Canada and the United States are exchanging the entry data for third-country nationals, permanent residents of Canada, and U.S. lawful permanent residents in the United States, who enter through *all* automated common land ports. Over one million records have been received from the Canada Border Services Agency since Phase 2 was initiated and the match rate of exit records received from Canada against existing U.S. entry records are over 98 percent.

By June 30, 2014, Canada and the United States will implement the third phase of the project, expanding the program to include the exchange of entry data for all travelers (including U.S. and Canadian citizens) who enter through any automated common land ports on the Northern border. Overall, this initiative is expected to enhance the ability to identify departures and successfully match entry and exit records at the land border for the first time.

Entry/Exit Going Forward

A comprehensive entry/exit system is key to supporting DHS's mission. However, the Department's continuing efforts to improve the entry/exit system a system should not be construed to mean that DHS does not already have a functioning exit/entry system in place. The Department continues to close the entry/exit gap by matching information obtained through air and sea manifests and exchanges with Canada. This year, through the FY 2013 DHS appropriation, CBP was tasked with the entry/exit mission, including research and development into biometric exit programs. CBP has also established an Entry/Exit Transformation Office dedicated to managing and coordinating the entire spectrum of entry/exit efforts, including expansion of the entry/exit effort with Canada at the land border. This office is pursuing every opportunity to leverage DHS's investments in the southwest border and those that can be obtained in partnership with Mexico. Other projects to enhance exit management include an

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[14] *United States – Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness, December 2011 Action Plan.*
[15] The four locations were Peace Arch, Pacific Highway, Rainbow Bridge, and Queenstown/Lewiston.
[16] http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/07032013.xml.

audit of airline manifest departure data in September and October to establish a biographic baseline to measure the success of future biographic and biometric exit solutions and improvements. In addition, the audit will allow CBP to ensure the credibility of APIS data used to calculate the overstay rates.

Working with S&T, the office is establishing a physical facility that mimics real-life port scenarios. This facility, which will be operational in early 2014, will be used to test the latest in technological advancements in biometrics that may be candidates for use in matching departure information to arrivals. Only through this testing can CBP and S&T identify and qualify potential solutions, as well as assess the economic impacts of such solutions. As the test facility is being built this fall, CBP will develop strategies, goals, and objectives for the biometric air exit system that will be used to inform the testing process that will begin in 2014.

DHS anticipates that these initiatives will enhance the existing entry/exit system in a myriad of ways that support our mission. The comprehensive entry/exit system will:

- Take full advantage of, and enhance the existing automated entry/exit capability that produces information on individual overstays;

- Incorporate and use biometric information as technologies mature and become more affordable;

- Improve DHS's ability to take administrative action against confirmed overstays, enhancing the Department's ability to take administrative action as quickly as possible— including visa revocation, prohibiting re-entry into the United States, and placing individuals on lookout lists, as necessary;

- Support further the administration and enforcement of our country's immigration laws— by improving DHS's ability to identify who exits the United States, thus deterring individuals from remaining in the country illegally; and

- Enable DHS to better maintain a focus on individuals who may wish to do us harm and facilitate the legitimate travel of those who do not, while protecting the privacy of U.S. citizens and legal permanent residents.

DHS will continue to consider the traveler, stakeholders, and the Department when architecting a system that is easily adapted to current physical and infrastructure limitations, minimizes disruptions to travel, proves to be cost-effective, and is flexible enough to address not only current requirements but also to anticipate future ways of conducting business.

Conclusion

Despite significant challenges, over the past several years, DHS has implemented and now manages a fully-functioning entry/exit system in the air and sea environments, and is continuing to enhance capability for land. While the United States did not build its border, aviation, or immigration infrastructure with exit processing in mind, the Department of Homeland Security has worked to bring the existing biographic system to a level of fidelity equal to, or nearly equal to, a biometric system while continuing to pursue a more cost-effective biometric solution.

Specifically, the Department is now able, on a daily basis, to identify and target for enforcement action those who have overstayed their period of admission and who represent a public safety and/or national security threat. Moreover, we continue to move forward in building a biometric air exit system that can be integrated in the current architecture once it is cost-effective and feasible to do so.

While implementation of a robust and efficient biometric solution will take time, DHS has and will continue to take appropriate steps to evaluate emerging biometric technologies and work with appropriate public and private sector stakeholders, such as the airlines and airports and other federal agencies.

The Department's continuing efforts to improve the entry/exit system should not be construed to mean that DHS does not already have a functioning exit/entry system in place. Rather than wait for a time when funding or capabilities are sufficient to implement a fully biometric system, the Department has built and is improving on a system that is effective today – and one which we will continue to enhance in the future.

Thank you.